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Docket No.: PF-0049-2 DIV

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: Coleman et al.

Title: A NOVEL HUMAN JAK2 KINASE

Serial No.: 09/467,100

Filing Date: December 10, 1999

Examiner: R. Hutson

Group Art Unit: 1652

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Assistant Commissioner for Patents  
Washington, D.C. 20231

### RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is in response to the Restriction Requirement and Request for Election mailed May 3, 2000, setting a 1-month term for response.

In the Restriction Requirement, the Examiner requested Applicants to elect one of the following inventions:

Group I (claims 2-4, 6, 7, and 19-22) drawn to a nucleic acid encoding a human Jak2 kinase, compositions, cells, organisms comprising said nucleic acid as well as methods of expressing said nucleic acid, classified in class 435, subclass 194.

Group II (claim 5) drawn to a method of using an antisense molecule of the nucleic acid encoding human Jak2 kinase, classified in class 514, subclass 44.

Group III (claims 11-13) drawn to a human Jak2 kinase, classified in class 435, subclass 194.

Group IV (claim 14) drawn to a method of treating a subject with a human Jak2 kinase,

classified in class 424, subclass 94.5.

Group V (claims 15-17) drawn to an antibody specific for human Jak2 kinase, classified in class 530, subclass 387.1.

Group VI (claim 18) drawn to a method of screening for a protein that binds to human Jak2 kinase, classified in class 435, subclass 7.8.

Group VII (claim 26) drawn to a method of screening for a compound that alters the expression of human Jak2 kinase, classified in class 435, subclass 6.

Applicants note that claims 2, 3, and 11-13 were canceled in the Preliminary Amendment filed December 10, 1999. Applicants also note that claims 23, 24, 25, 27, and 28, which were added in the Preliminary Amendment filed February 1, 2000, are not found in any of the listed groups. Claims 4-7 and 14-28 are pending.

Applicants' Agent discussed these issues with the Examiner by telephone on May 31, 2000. The Examiner stated that the inclusion of canceled claims 2, 3, and 11-13, and the exclusion of added claims 23, 24, 25, 27, and 28, were inadvertent.

The Examiner agreed to redraw the Restriction Requirement as follows (changes noted in **bold**):

**Group I (claims 4, 6, 7, 19-22, 23, 24, 25, 27, and 28)**

Group II (claim 5)

**Group III (omitted as claims 11-13 were canceled)**

Group IV (claim 14)

Group V (claims 15-17)

Group VI (claim 18)

Group VII (claim 26)

Applicants hereby elect, with traverse, to prosecute Group I, which includes and is drawn to Claims 4, 6, 7, 19-22, 23, 24, 25, 27, and 28. Applicants submit that the invention encompassed by the claims of Group I (drawn to polynucleotides, compositions, cells and organisms transformed with said polynucleotide, methods of producing a polypeptide, and methods of detecting said polynucleotides) could be examined at the same time as the invention encompassed by the claim of

Group VII. For example, a search of the prior art to determine the novelty of the method for detecting a target polynucleotide in a sample would also provide information regarding the novelty of the method for screening a compound for effectiveness in altering expression of a target polynucleotide.

Accordingly, because the searches required to identify prior art relevant to the claims of Groups I and VII would substantially overlap, Applicants respectfully submit that examination of originally filed claims 4, 6, 7, 19-22, 23, 24, 25, 26, 27, and 28 would pose no undue burden. Thus, Applicants request reconsideration and withdrawal of the Restriction Requirement and examination of the claims in Groups I and VII. Applicants reserve the right to prosecute the non-elected claims in subsequent divisional applications.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. **09-0108. This form is enclosed in duplicate.**

Respectfully submitted,

INCYTE PHARMACEUTICALS, INC.  
d/b/a INCYTE GENOMICS, INC.

Date: June 5, 2000

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